The opinion in support of the decision being entered today was <u>not</u> written for publication and is <u>not</u> binding precedent of the Board.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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<u>Ex parte</u> PI-WEI CHIN,
DANIEL GRAHAM DOUGLAS,
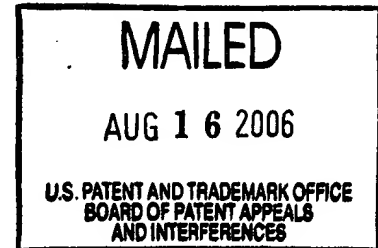EDWARD JOSEPH GALLAGHER
AND BENJAMIN FRANKLIN YEE

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Appeal No. 2006-1843
Application No. 09/161,073

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ON BRIEF

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Before THOMAS, KRASS, and NAPPI, <u>Administrative Patent Judges</u>.

KRASS, <u>Administrative Patent Judge</u>.

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DECISION ON APPEAL

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This is a decision on appeal from the final rejection of claims 3-16 and 18-22.

The invention is directed to user interfaces. In particular, the interface provides different-language versions of mark-up language resources so that, for example, pages of documents on the World Wide Web are adapted to varying languages and/or target audiences. Representative independent claim 3 is reproduced as follows:

3. A computer implemented user interface, comprising:

  a markup-language encoded template having a replacement variable within; and

a plurality of resource files containing data for replacing said replacement variable,

said replacement variable being selectively replaced by data from a selected one of

said resource files, each of the plurality of said resource files containing an

idiomatically-correct predefined passage of text in a different language such that said

replacement variable will always be replaced with a respective said passage of text

governed by the selection of a particular one of said resource files.

The examiner relies on the following references:

Fukumochi et al. (Fukumochi)	5,644,774	Jul. 01, 1997
Levy	5,944,790	Aug. 31, 1999 (filed Jul. 19, 1996)
Motoyama	6,208,956	Mar. 27, 2001 (effective filing date May 28, 1996)
Lakritz	6,623,529	Sep. 23, 2003 (effective filing date Feb 23, 1998)

Berg, Cliff, (Berg), "How do I Write an International Application," <u>Dr. Dobb's Journal</u> pp. 1-6, (July 1997).

Claims 3-16 and 18-22 stand rejected under 35 U.S.C. § 103. As evidence of

obviousness, the examiner offers Motoyama, Fukumochi and Lakritz with regard to claims 3, 5,

6, 11, 16, and 18-22, adding Levy with regard to claims 4, 7, 8, 14, and 15. With regard to

claims 9, 10, 12, and 13, the examiner offers Motoyama, Fukumochi, Lakritz and Berg.

Reference is made to the briefs and answer for the respective positions of appellants and

the examiner.

<u>OPINION</u>

At the outset, we note that a previous decision by this Board affirmed the examiner's

decision rejecting claims under 35 U.S.C. § 112, second paragraph, but we reversed a rejection of

the claims under 35 U.S.C. § 103 because the indefinite nature of the claim language did not

enable us to make a decision as to the merits of this rejection.

Appellants have now amended the claim language to remove the indefinite language, as is

apparent from the examiner's lack of a rejection based on 35 U.S.C. § 112, second paragraph,

and we now have only rejections based on 35 U.S.C. § 103 before us.

Turning to the independent claims 3, 11, and 21, the examiner finds that the subject

matter of these claims would have been obvious, within the meaning of 35 U.S.C. § 103 in view

of three references, Motoyama, Fukumochi, and Lakritz.

With regard to independent claim 3, for example, it is the examiner's view that

Motoyama teaches the claimed "plurality of resource file containing data for replacing said

replacement variable" at column 4, lines 14-23, column 5, lines 41-46, and column 6, lines 41-

55. The examiner contends that the claimed "said replacement variable being selectively

replaced by data from a selected one of said resource files, each of the plurality..." is taught by

Motoyama at column 6, lines 20-24.

It is the examiner's contention that Motoyama does not teach resource files including

idiomatically-correct predefined text passages. However, the examiner relies on Fukumochi

(abstract, column 4, lines 64-67, and column 5, lines 1-11) for a translation system using a

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dictionary containing idioms of a language as applied to translation from one language to another.

The examiner concludes that it would have been obvious to apply the dictionary idioms of Fukumochi to the resource files of Motoyama, "providing Motoyama the advantage of idioms within its resource files, for accurately translating specialized phrases from one language (and culture) to another" (answer-page 4).

Further, while the examiner notes that Motoyama teaches markup based translation of Web pages (column 4, lines 14-23, Figure 3), it does not teach the markup page as a "template." The examiner turns to Lakritz (abstract, column 26, lines 47-60, column 5, lines 40-45, column 6, lines 50-65) for a teaching of a multilingual translation method whereby tag based templates are utilized for content translation. The examiner concludes that it would have been obvious to apply Lakritz to Motoyama, as modified by Fukumochi, to provide the "benefit of templates which can easily support many languages and countries, as well as easy to add new languages, updating, etc. (see Lakritz column 7 lines 3-11)" (answer-page 4).

For their part, appellants assert that all of the cited references teach performing translation, specifically explicit dictionary and rules-based translation, but the instant claimed invention does not perform translation; rather, it replaces variables with previously translated data (principal brief-page 8). Among other things, appellants argue that the examiner's focus on Motoyama's dictionaries and rule databases simply does not refer to the elements of claim 3 because these dictionaries and rules are simply not equivalent to the claimed "resource files."

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Appellants also argue that the claimed "replacement variables" are not taught by Motoyama.

Moreover, appellants argue that Fukumochi is not combinable with Motoyama because the examiner's reason for combinability (to apply the idioms of Fukumochi to resource files of Motoyama) is "unsupported conjecture" (principal brief-page 10). Further, argue appellants, since Motoyama teaches dictionaries with plural definitions, and Fukumochi teaches plural idioms, "[w]ithout some set of rules to select from among and combine these, the results will be nonsensical" (principal brief-page 10).

We will sustain the rejection of claims 3, 5, 6, 9-13, 16, and 18-22 under 35 U.S.C. § 103.

While the Motoyama reference does not specifically recite the claimed "replacement variable," and "plurality of resource files," it seems clear to us that in translating from one language to another, the words of one language are "replaced" by the words of the second lanaguage.

The portions of Motoyama recited by the examiner relate to translating a document from one language to another using different translation resources depending on the document or the portion of the document being translated. The examiner contends that the language is read broadly and also interprets "always" to mean that the replacement is always a "text" pursuant to the selection (answer-page 12).

First, the claims require a "plurality of resource files" which, at first glance, does not appear to be taught or suggested by Motoyama. However, the examiner equates Motoyama's dictionary with the claimed "resource files," and while appellants argue that appellants' "resource

files" are not equivalent to a dictionary (reply brief-page 11), appellants offer no convincing

rationale for this position. Appellants appear to be basing this argument on Motoyama's

dictionary having four different sections covering three specific situations and, the argument

goes, Motoyama's disclosure of four different situational-specific sections to choose definitions

from is much different than appellant's single passage of text for replacement of the replacement

variable existing in any given resource file in claim 3 (principal brief-page 9). To the extent that

this is appellants' argument, Motoyama may have four separate sections in the dictionary (e.g.,

see Figure 4), but each separate section would appear to be equivalent to a single passage of text

that replaces some other language text.

The resource files of the claimed invention must contain data for replacing the

replacement variable and the replacement variable must be selectively replaced by data from a

selected one on the resource files. However, the dictionaries of Motoyama may, arguably, be

said to "replace" the words of one language with the words of another language, so, again, we are

not convinced by appellants' arguments as to Motoyama failing to use the specific language of

the instant claims.

With regard to the combination, appellants agree that Fukumochi teaches a translation

system using a dictionary containing idioms (reply brief-page 11), but contends that all

dictionaries contain idioms and that, in any event, there would have been no reason to modify

Motoyama with the dictionary of Fukumochi containing idioms.

We agree with the examiner that since Motoyama teaches the translation of words from one language to another and Fukumochi teaches a system for translating between languages using an idiom processing function, it would have seemed obvious for the artisan to realize that certain phrases, i.e., idioms, may also be used in the dictionaries of Motoyama for the purpose of translating these idioms, rather than mere words. Contrary to appellants' contention, we do not find this conclusion to be "unsupported conjecture."

Appellants contend that such a combination, without a commensurate set of rules to select from, would yield nonsensical results (reply brief-page 11). We disagree. The artisan is not without some skill. In adapting Motoyama's dictionaries to translate idiomatic-correct passages, the artisan would be well aware of any specific rules to be promulgated, similar to the dictionary rules of Motoyama, but applied to idiomatic phrases. With regard to the idiomatically-correct passages being "predefined," as claimed, dictionaries, such as Motoyama's, are made of predefined translations for other words or phrases, so the predefined nature of these passages would have been obvious to the artisan.

We also find that the replacement variable "always" being replaced with a respective passage of text would have been obvious to the artisan because that is what a dictionary (or resource file) does. It "always" replaces the word of one language with the corresponding word of a second language.

Since the language of independent claims 1, 11 and 21 is similar, we will sustain the rejections of all these claims under 35 U.S.C. § 103.

With regard to claim 4, this claim requires that a particular one of the resource files is selected in accordance with a language code. The examiner offers Levy as identifying a country code to match a native language of an Internet user and finds that it would have been obvious to apply Levy's teaching to the other references providing a way to process a particular language. We disagree.

Claim 4 requires that a particular resource file, or dictionary in Motoyama, be selected in accordance with a language code. But Levy's country code does not cause the selection of any particular file or dictionary. Rather, the country code in Levy, as pointed out by appellants, at page 13 of the principal brief, is used for the outright substitution of a complete predefined page of a website when a different language is desired. It does not specify selection of a resource file and therefore cannot make the subject matter of instant claim 4 obvious when combined with the other references which teach nothing about a language code.

We also agree with appellants, at pages 14-15 of the principal brief, that Levy teaches nothing like that recited in instant claims 7 and 8 where a constructed markup-language code is "built at a server." With regard to claims 14 and 15, these claims also call for a "language code" and how data files are selected in accordance with this language code. Levy shows no such function with regard to its country code.

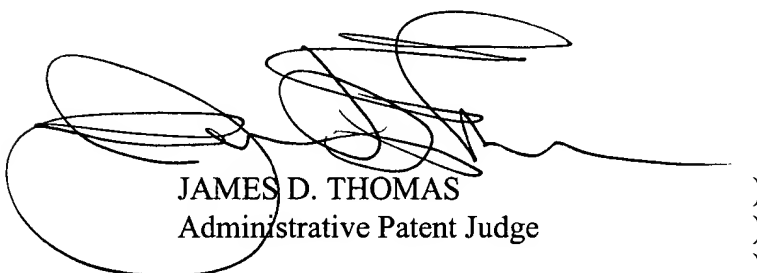Accordingly, we will not sustain the rejection of claims 4, 7, 8, 14, and 15 under 35 U.S.C. § 103.

We will, however, sustain the rejection of claims 9, 10, 12, and 13 under 35 U.S.C. § 103 because these claims depend from independent claims 3 and 11 and appellants do not separately argue the merits of the dependent claims, relying, instead, on the arguments made with respect to claims 3 and 11 (see principal brief-pages 16, 17).
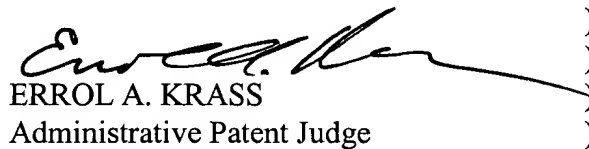
We have sustained the rejection of claims 3, 5, 6, 9-13, 16, and 18-22 under 35 U.S.C. § 103 but we have not sustained the rejection of claims 4, 7, 8, 14, and 15 under 35 U.S.C. § 103. Accordingly, the examiner's decision is affirmed-in-part.

No time period for taking any subsequent action in connection with this appeal may be

extended under 37 CFR § 1.136(a)(1)(iv).

AFFIRMED-IN-PART

JAMES D. THOMAS   )
Administrative Patent Judge)
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ERROL A. KRASS   ) BOARD OF PATENT
Administrative Patent Judge) APPEALS
)   AND
) INTERFERENCES
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ROBERT E. NAPPI   )
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